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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

JOSHUA HILD,

Plaintiff,

vs.

CALIFORNIA SUPREME COURT.

Defendant.

Case No. C 07-05107 TEH

DECLARATION RE: TRANSCRIPT

I, Mike Peña, declare as follows:

1. I am an attorney duly licensed to practice in all the courts of the State of California, and the United States Ninth Circuit Court of Appeals.

2. I am a member of the law firm of Bisnar | Chase LLP, attorneys of record for Plaintiff/Appellant in this action, JOSHUA HILD.

3. On Friday, April 4, 2008, Plaintiff/Appellant filed a notice with the Court and court reporter that no transcripts would be ordered by Plaintiff/Appellant.

4. On Monday, April 14, 2008, Respondent/Appellee served Plaintiff/Appellant with notice of additional transcripts requesting the transcript from the February 4, 2008 hearing.

27 5. On Thursday, April 24, 2008, my paralegal, Nicole Michau, contacted the court reporter for
28 the February 4, 2008 hearing, Katherine Edwards, 5768 Higwood Road, Castro Valley, CA 94552-1820,

1 (510) 886-2427 and left a message for her stating we needed the February 4, 2008 hearing transcript and
2 to return a call with the amount and our firm would send her a check.

3 6. On Friday, April 25, 2008, Katherine Edwards returned my paralegal's call and advised that
4 the card that goes in the steno machine and the tape she made of the proceedings was demagnetized which
5 meant the transcript was not available.

6 7. On Friday, April 25, 2008 after learning of the erased transcript, I sent Tom Blake, Deputy
7 Attorney General, and counsel for Respondent/Appellee an email explaining what the court reporter had
8 replied to us.

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11 DATED: May 1, 2008

BISNAR|CHASE

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Mike Pena

14 BRIAN D. CHASE, ESQ.
MIKE PEÑA, ESQ.
15 Attorneys for Plaintiff/Appellant
JOSHUA HILD

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CERTIFICATE OF SERVICE

Joshua Hild vs. California Supreme Court, et al.
CASE NO. C-07-05107-THE

I am employed in the county of Orange, State of California; I am over the age of eighteen years and no party to the within action; my business address is 1301 Dove Street, Suite 120, Newport Beach, California.

On May 1, 2008, I served the foregoing **DECLARATION RE: TRANSCRIPT** on all interested parties in this action:

- (X) **BY MAIL**, by placing a true copy thereof, in an sealed envelope to the addressee(s) ON THE ATTACHED SERVICE LIST, and depositing the same into the United States mail at the address located set forth hereinabove, with sufficient first-class postage thereon pre-paid:
- () **BY OVERNIGHT PRIORITY MAIL WITH NEXT DAY DELIVERY GUARANTEED** by placing a true copy thereof, in an sealed envelope to the addressee(s) ON THE ATTACHED SERVICE LIST, and depositing the same into the **OVERNITE EXPRESS** mail drop at the address located set forth hereinabove, with postage pre-paid.
- () **BY FACSIMILE**, by transmitting by facsimile transmission a true and correct copy of the same to the addressee(s) listed ON THE ATTACHED SERVICE LIST:
- () **BY PERSONAL SERVICE**, by personally delivering the same to the addressee(s) listed ON THE ATTACHED SERVICE LIST:

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on May 1, 2008, at Newport Beach, California.

Nicole C. Michau
NICOLE C. MICHAU

1 **SERVICE LIST**

2 <i>COUNSEL</i>	3 <i>PARTY(S)</i>
4 Tom Blake, Esq., Deputy Attorney General 5 455 Golden Gate Avenue, Suite 11000 6 San Francisco, CA 94102-3664 7 Tel: (415) 703-5506 8 Fax: (415) 703-5480	9 Attorney for Defendant 10 CALIFORNIA SUPREME COURT

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